



LICENSE BOARD
191 Cabot Street
Beverly, MA 01915

Richard S. Kelley, Esq., Chairman
John Roccio
James Duggan

LICENSE BOARD MINUTES – JANUARY 3, 2013

The meeting of the Beverly License Board was called to order on Thursday, January 3, 2013 in the Council Chambers at 6:30 pm.

In attendance at the meeting were: Board Members Richard Kelley, John Roccio, James Duggan, Police Liaison Sgt. William Page, and Clerk Martha Lewis.

Also in attendance: Councilor Wes Slate

Meeting was called to order at 6:30 pm by Chairman Kelley.

1. Application for Transfer and Change of Location – Wine and Malt Beverage License from JHM LTD dba Upper Crust to Prides Neapolitan Pizza, 202 Rantoul Street, Michael Magner, Manager.

Attorney Jack Altshuler was present and representing Mr. Magner.

The application package was reviewed. Attorney Altshuler addressed the members of the Board. The application is for a pizza parlor specializing in Neapolitan pizza. The location of the restaurant will be on Rantoul Street across from the Thomas Ford lot. Mr. Magner has signed a 5 year lease with a 5 year renewal. Mr. Magner has experience in the restaurant and alcohol business. He is TIPS certified and his staff will become TIPS certified. The restaurant is small approximately 850 sq. ft. There will be counter seats along with tables, seating up to 30. They will not be pushing alcohol but would like to offer wine and beer along with the pizza.

Chairman Kelley asked the exact address. The building is # 202-204 Rantoul Street. The leased space is for #202.

The application states that the address of the Pride Restaurant Group is 240 Rantoul Street. Chairman Kelley asked Mr. Magner if he would be the manager of Pride Osteria at 240 Rantoul Street as well as the pizza place.

Mr. Magner reported that he intended to run both places. They are 100 yards apart from each other and he has a quality chef and staff at Prides Osteria. The restaurant is up and running and doing well. In addition, Mr. Magner expected the pizza restaurant to serve more of a lunch crowd/early evening. He does not anticipate a conflict.

Chairman Kelley asked Mr. Magner how long his Prides Osteria restaurant had been operating. Mr. Magner stated approximately two months. In addition, Mr. Magner stated that he had been running Prides Deli in the Beverly Farms for a number of years. His previous experience includes work as a bar manager in Chatham.

Chairman Kelley reiterated that even with Mr. Magner's past experience, it was important to stress that as manager, Mr. Magner along with his staff should be TIPS certified. Operating a restaurant with an alcohol license comes with the responsibility. Chairman Kelley then asked the other board members if they had any questions for Mr. Magner.

Mr. Duggan asked about the hours of operation. Mr. Magner stated that he thought the pizzeria would be open from 11:00 am to 8:00/9:00 pm. Mr. Duggan then asked of the hours of Prides Deli. Mr. Magner responded 10:00 am to midnight.

Mr. Duggan then stated that he was concerned for Mr. Magner's well being in managing three restaurants as Mr. Duggan has run an establishment himself in the past and is aware of time required. Mr. Magner replied that Prides Deli had been opened for four years. He employs two managers who run the deli, he does not manage it, but he does reside upstairs from the deli.

Mr. Roccio stated that he had no further questions for Mr. Magner.

Councilor Slate spoke on behalf of Mr. Magner. He has visited the new restaurant, Pride Osteria on a couple of occasions since its opening. Councilor Slate reported that Mr. Magner is a visible, hands-on presence at the restaurant. Councilor Slate further stated that as a business in Ward 2, the ward he represents, the restaurant is a welcome addition and he is very happy to support Mr. Magner in this new endeavor.

Hearing no further comments, Mr. Roccio made a motion to approve the transfer of the wine and malt beverage license from JHM Ltd dba Upper Crust to Prides Neapolitan Pizza at 202 Rantoul Street. Mr. Duggan seconded the motion. The motion was approved 3 – 0.

2. One Day License -- No applications were received.
3. Approval of the minutes for December 13, 2012 -- Minutes of the meeting for December 13, 2012 were reviewed. Mr. Roccio made a motion to accept the minutes as submitted. Mr. Duggan seconded the motion. Motion passed 3 – 0.
4. Other Business –

- a. Discussion of All Ages Event – Mr. Duggan reported that he and Councilor Wes Slate had had a discussion of the All Ages Event. Both Mr. Duggan and Councilor Slate attended one of the shows at the invitation of a local music school at the Spotlight Tavern.

After having attended the show for a short period of time, both Councilor Slate and Mr. Duggan have serious concerns as to the appropriateness of the music school holding such an event at the Spotlight Tavern.

The establishment was packed, mostly with parents and grandparents. However, the age of the students who performed were young (some 11, 12 years old). Alcohol was being served and both gentlemen have expressed the concern if that type of venue is appropriate for young kids to perform at. They both suggested that there are other facilities includes schools, church halls etc. which would be more appropriate than a "Bar".

Both are not opposed to the event, just the venue that they occur in.

Chairman Kelley opened the discussion. He stating the way in which the All Ages Events were brought to the Board's attention. There is a distinct issue. Because an All Ages Event occurred at a club function hall. The club rented out the hall to an event that was serving alcohol and maintaining they could distinguish the attendees under age 21 and over age 21. The hall license is strictly for members and their guests only.

Councilor Slate added that the manager of the Spear Post did not in his opinion take responsibility for the event where an attendee was assaulted resulting in a traumatic head injury. Councilor Slate believes this is an issue for the Board to enact local license rules or the City Council can enact ordinances against these events. The question is the process and Councilor Slate is open to discussion on the process. The City Council would move forward in enacting regulations if the License Board and Police wishes to do so.

Chairman Kelley responded that he personally did not believe that alcohol needed to be available where young kids performed, but he would not go so far as to enact a law to restrict it.

Mr. Duggan responded next. As someone who has held a liquor license in the past, he believed that a venue which allowed young people to perform exposed young children to be exposed to an alcohol environment. As a bar owner, he repeatedly found fake ids and people who bought alcohol and handed it to an underage person. He does not believe this type of venue is appropriate and puts the City, Council and License Board in position.

Chairman Kelley then asked where could all ages shows be held?

Mr. Duggan replied they could be held in smaller venue, school hall, church hall, etc. but not in a bar.

Chairman Kelley stated that you have to be very careful. Walking a fine line. Further discussion ensued regarding the difference between a "recital" and an all ages/band showcase.

Councilor Slate reminded the Board that if an ordinance were drafted, it would then be referred to a sub-committee i.e. Legal Affairs for further discussion.

Chairman Kelley responded that without a request from the Police Dept. initiating a discussion that an ordinance be enacted, he would not recommend doing so.

Sgt. Page stated that Chief Ray does have concerns regarding the all ages show; he would suggest the License Board have license holders notify the board when such events were planned.

Further discussion as to the definition of an all ages event vs. a recital continued. It was suggested that we take a survey of surrounding communities to see if/how they deal with all ages events, and any regulations that have been enacted.

The Clerk will electronically survey other license boards in the surrounding communities to see how they address all ages events.

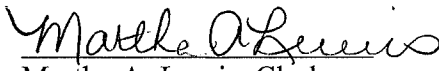
Chairman Kelley asked Mr. Roccio for his comments. Mr. Roccio stated that he had listened to the discussion. He does not believe we need local regulations at this time and cautioned against overreaching.

- b. Liquor Compliance Seminar hosted by the Beverly Police Department and Beverly License Board. On January 14th there will be an informational seminar held at the Beverly Senior Center, 90 Colon Street from 7:00 pm to 9:00 pm. Several topics will be discussed including liquor laws, compliance, review of fake i.ds., one day licenses and other regulations. A notice of the seminar was handed out to licensees during the issuance of 2013 licenses. Clerk to do a mailing if needed.

Hearing no further business, Mr. Roccio made a motion to adjourn. Motion seconded.

Next meeting is scheduled for Thursday, February 14, 2013 at 6:30 pm in the City Council Chambers.

Respectfully yours,


Martha A. Lewis, Clerk